

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A.)
DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE)
OF OKLAHOMA AND OKLAHOMA)
SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT, in his capacity as the)
TRUSTEE FOR THE NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)
Plaintiff,)

v.)

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON)
POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC., CAL-)
MAIN FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC.,)
CARGILL TURKEY PRODUCTION, LLC,)
GEORGE'S, INC., GEORGE'S FARMS,)
INC., PETERSON FARMS, INC.,)
SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)
Defendant.)

AFFIDAVIT OF ROBERT HARRISON

STATE OF OKLAHOMA)
COUNTY OF CHEROKEE) SS.

Robert Harrison, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Robert "Rob" Harrison. I am a dairy farmer. My address is in Watts, OK. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau in this case. Everything in this affidavit is true and correct to the best of my information and belief.

2. I am a member of the Oklahoma Farm Bureau.
3. My father, my son and I operate my dairy farm. My farm is approximately 75 acres that I own in Delaware County, and about 100 to 150 acres that I lease.
4. On the land in Delaware County I try to run approximately 100 head of "mama cows" all the time, and usually have between 70 and 80 milking. I raise all the steers and heifers on the 75 acre dairy farm. I get by with running 1 to 2 cows per acre because they are dairy cows, and I do additional feeding in the dairy barn.
5. I do not raise poultry, but I do use poultry litter as fertilizer on my farm. On the leased property I raise much of the hay that I feed. I feed around 1000 round bales a year. If I had to rely solely on commercial fertilizer, I could not do half of what I am doing on my dairy farm.
5. Poultry litter is good for the soil because it contains organic material, which improves the water retention of the soil and helps aerate the soil. I believe it restores nutrients to the soil in a natural way. Litter acts as a fertilizer over a longer period of time than commercial fertilizer. I purchase the litter that I apply to my pastures.
6. Commercial fertilizer needs reapplication within a short time. Commercial fertilizer is much more costly than poultry litter. Commercial fertilizer does not provide the other organic matter that litter provides. When only commercial fertilizer is used, the ground tends to harden-up.
6. The State of Oklahoma requires that litter be applied to my land by a certified litter applicator. Therefore, I became a certified private litter applicator. I either contract with a commercial litter applicator, or I apply the litter myself.
7. If the Attorney General is successful in getting an injunction banning all land application of litter in the Illinois River Watershed, I would have to use more expensive commercial fertilizers. What it really boils down to for me is whether or not my dairy farm can be self-sustaining. If I have to rely on commercial products I would not be able to survive as a dairy farmer. Because of my back injury, it is

difficult for me to get employment. That's why I have my own business.

8. The cost of the commercial fertilizer is not the only cost involved if I could not use poultry litter on my farm. The pastures do not grow as well on commercial fertilizer, ultimately reducing the amount of hay they produce. This means that I and my equipment have to work harder to get less, use up my equipment faster, and incur higher fuel bills.
9. My son is sixteen years old. He has already said that his goal in life is to work with me in dairy farming -- not just now, but as a career. If our dairy farm is not self-sustaining, then my son's future does not include this family dairy farm. In my opinion that is a very high cost.

Dated this ____ day of February, 2008.

Robert Harrison
Robert Harrison

Subscribed and sworn to before me this 2 day of February, 2008.

David J. Adams
Notary Public
02001569

My Commission Expires:

2-17-10

[SEAL]